

REMARKS

The Examiner rejected claims 1-6 and 13-20 under 35 U.S.C. §101 in view of U.S. Patent No. 6,733,361. The Applicant has amended the claims to recite a track constructed from a plurality of individual track pieces that each have interlocking tabs. The interlocking tabs limitation is not found in any claim of the '361 patent. The Applicant therefore submits that the claims of the above entitled application are not the same as the claims of the '361 patent. The Applicant is enclosing herein a terminal disclaimer to overcome any potential double patenting rejection.

The Examiner rejected claims 1-13 and 13-20 under 35 U.S.C. § 112, first paragraph. The Applicant has amended the claims to delete the objectionable "stationary" language. The newly added language of interlocking tabs is disclosed on page 7, lines 5 through 9, of the above entitled application. The Applicant submits that the claims comply with the first paragraph of § 112.

The Applicant submits that the claims are in condition for allowance. Reconsideration of the rejections and Allowance of claims 1, 2, 4-6, 15, 16, 18 and 19 at an early date is solicited.

Respectfully submitted,
IRELL & MANELLA LLP

Dated: March 23, 2005

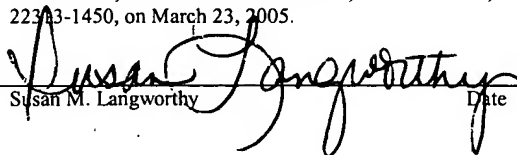


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Susan M. Langworthy

Date

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